IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1204 OF 2006
IN
L.C.SUIT NO.620 OF 1980

The Board of Trustees of the Port of Bombay ..Plaintiffs

Vs.

Parl Mechanical Engineering & Foundry Works P.Ltd. & An. ..Defendants

Mr.U.J.Makhija i/b Mulla and Mulla for hte plaintiffs

Mr.A.I.Talegaonkar with Ms.Mungekar for the defendant no.2

**CORAM : S.U.KAMDAR, J**
**DATED : 21ST APRIL, 2006**

P.C.:

1. In the light of the fact that the issue is framed that whether there is a compromise between the parties or not thus, the Notice of Motion for recording compromise does not survive. The learned counsel for the defendant no.2 states that Notice of Motion be disposed of accordingly.

2. I appoint Mr.S.D.Vyas as Commissioner for recording evidence. Commissioner is directed to

conduct the evidence commencing from 05.05.06 and conclude the same by 15.7.06 and file his report by the said date.

2. The parties will file their affidavit in examination in chief before the Commissioner and make the witness available for cross-examination. It is made clear that if the witness is not made available inspite of two adjournments the Commissioner will be entitled to go over to the next witness. The Commissioner is also directed to record all objections pertaining either tendered before the Commissioner or objections raised in the course of recording of oral evidence. All the objections will be heard and decided by the court at the hearing of the suit.

3. The Commissioner to act on the minutes. Office is directed to hand over the record to the Commissioner. Both the parties to share equally cost charges and expenses of the Commissioner. Matter to be placed on board for arguments on 21.7.06.